MUNICIPAL CORPORATIONS — MUNICIPAL PROPERTY — LEASE FOR PRIVATE PURPOSES. — A town, having acquired a dock for public use, leased an ice-house occupying a portion of it to a private corporation. *Held*, that a taxpayer can compel the removal of the ice-house as an obstruction to the use of the wharf. *People ex rel. Swan* v. *Doxsee*, 120 N. Y. Supp. 962 (Sup. Ct. App. Div.).

A municipal corporation can sell or lease property not impressed with any public use. *Pacific Coast S. S. Co.* v. *Kimball*, 114 Cal. 414. And even if the city purchases and administers property for a public purpose, a lease may be made to private individuals in furtherance of the main project; thus a wharf may be leased to a warehouseman, who is compelled to offer equal facilities to all. *Belcher Sugar Refining Co.* v. *St. Louis Grain Elevator Co.*, 101 Mo. 192. Yet if such a lease is of long duration, it has been held void. *Illinois Canal Co.* v. *St. Louis & the Pacific Elevator Co.*, 2 Dill. (U. S.) 70. Similarly, a portion of a park may be leased for refreshment purposes. *State* v. *Schweickardt*, 109 Mo. 496. But the power of a municipal corporation is more restricted when property is acquired by dedication than when it is acquired by purchase. *Village of Riverside* v. *MacLain*, 210 Ill. 308, 328. By well-established authority, however, a city has power to lease for other than governmental functions any portion of its public buildings not needed for its own purposes. *Worden* v. *New Bedford*, 131 Mass. 23; *Bell* v. *City of Platteville*, 71 Wis. 139. But the use of such a leased portion must not interfere with the governmental purpose. *Sugar* v. *City of Monroe*, 108 La. 677. This power must be regarded as an exception; for the common-law power of a municipality is wisely restricted so that no commercial use can be made of any realty dedicated to, or administered for, the public. *Contra*, *Huff* v. *Mayor and Council of Macon*, 117 Ga. 428.

PARTNERSHIP — PARTNERSHIP PROPERTY — CONVERSION OF REALTY INTO PERSONALTY. — A, B, and C were partners in a firm owning land, the legal title being in A, B, and C. A died. All firm accounts were settled without calling on the land. *Held*, that A's heirs may bring a bill for partition of the land. *Schleissner* v. *Goldsticker*, 120 N. Y. Supp. 333 (Sup. Ct., App. Div.). See NOTES, p. 553.

PLEADING — AMENDMENT OF DECLARATION AFTER LIMITATION PERIOD. — A Canadian statute allowed an action by "the consort and the ascendant and descendant relations" of a deceased for his death by wrongful act, if brought within a year after his death. A widow, who, as administratrix of her husband's estate, had brought an action under this statute in New York, sought, more than a year after the death, to amend her complaint so as to sue in her right as widow. Daughters of the deceased also sought to be added as parties plaintiff. *Held*, that the amendment should be allowed as to the widow but denied as to the daughters. *Johnson* v. *Phœnix Bridge Co.*, 197 N. Y. 316.

As the tort upon which the present action was based occurred in Canada, the Canadian Death Act fixes the nature of the right. *Kiefer* v. *Grand Trunk Ry. Co.*, 12 N. Y. App. Div. 28. And while the New York Statute of Limitations, as the *lex fori*, determines whether or not a remedy is barred upon the foreign right, the running of the limitation period of the Canadian Death Act extinguishes the right. An amendment changing the party plaintiff from administratrix to widow adds a new party, even when the administratrix and widow are one. *Doyle* v. *Carney*, 190 N. Y. 386. For the law recognizes the personal representative as distinct from the individual. *Leonard* v. *Pierce*, 182 N. Y. 431. Yet despite the expiration of the limitation period and the change of parties, it seems correct to have allowed this amendment. *Van Doren* v. *Pennsylvania R. Co.*, 93 Fed. 260. *Contra*, *Lower* v. *Segal*, 60 N. J. L. 99. N. Y. CODE CIV. PROC. § 723. The change was merely formal, for though the plaintiff sued originally as administratrix, it was for her own benefit as widow, and the defendant had ade-